

**MONTANA PUBLIC SERVICE COMMISSION
UTILITY DIVISION
AGENDA NO. 06-07-18**

Date Published: July 13, 2006
For Work Week Commencing: July 17, 2006
Commission Meeting: July 18, 2006, 9:00 a.m.

General Introduction This agenda is the Commission's Utility Division agenda for the work week designated. In the later part of each week (generally, Thursday by 2:00 p.m.) prior to the work week to which an agenda pertains, the agenda is posted on the public information bulletin board at the Commission offices, deposited in the mail directed to all persons who have properly requested notice by mail, emailed to all persons who have properly requested notice by email, and posted to the Public Service Commission's worldwide web site located at <http://www.psc.mt.gov>.

Place of Meetings All meetings are held at the Commission offices, 1701 Prospect Avenue, Helena, Montana, unless otherwise noted.

Live audio feed Unless otherwise noted on this agenda, all Commission meetings held during regular business hours that are noticed on this agenda will be webcast live via the audio feed link on the PSC website (<http://psc.mt.gov/eDocs/#Calendars>). The audio feeds of meetings are also archived at the same website location.

Inquiries General inquiries concerning this Utility Division agenda and subscribing to notice by mail may be made to Kate Whitney at (406) 444-3056. She may refer inquiries to another person within the agency.

Accommodation for Persons with Disabilities Anyone needing an accommodation for physical, hearing, or sight impairment in order to attend a scheduled meeting should contact the Commission secretary at (406) 444-6199 sufficiently prior to the meeting to allow accommodations to be made.

9:00 a.m. Weekly Scheduling (Commission Conference Room – No Web Audio Feed)

9:30 a.m. Business (Bollinger Room)

Public Comments

Action Items All items identified below are for action at the Commission business meeting.

1. Six TRO/TRRO Interconnection Agreement Amendments (Gary)

D2006.3.30 - Qwest/Covad; D2004.1.13 - Qwest/Sprint Communications;
D2004.3.41 - Qwest/ACN Communications; D2002.1.1 - Qwest/VarTec

Telcom; D2001.8.105 - Qwest/Intrado, Inc.; and D2002.7.91 - Qwest/Excel Telecommunications

Qwest has filed for approval with this Commission six (6) TRO/TRRO amendments in the dockets listed above. The FCC, with the help of the United States D.C. Court of Appeals has redefined what constitutes an unbundled network element (UNE) under Section 251 of the 1996 Telecommunications Act. Specifically, the FCC issued its Triennial Review Order (TRO) effective October 3, 2003. This was followed by the United States D.C. Court of Appeals issuing what is called the USTA II decision on March 2, 2004. Finally, the Commission issued its Triennial Review Remand Order (TRRO) on March 11, 2005. The effect of these orders and decision was to remove a number of UNEs from the list of UNEs required to be offered to competitive local exchange carriers (CLECs). These amendments list approximately 30 UNEs which Qwest and the parties to these agreements have agreed are no longer required to be offered under Section 251. These six TRO/TRRO amendments are virtually identical and were voluntarily negotiated by the parties involved.

Probable Motion: Move to approve the following six interconnection agreement amendments: D2006.3.30 - Qwest Corporation/DIECA Communications Inc. dba Covad Communications Company; D2004.1.13 - Qwest Corporation/Sprint Communications Company, L.P.; D2004.3.41 - Qwest Corporation/ACN Communications Services, Inc.; D2002.1.1 - Qwest Corporation/Comtel Telecom Assets LP, a Texas Limited Partnership, dba VarTec Telecom; D2001.8.105 - Qwest Corporation/Intrado Inc.; D2002.7.91 - Qwest Corporation/Excel Telecommunications, Inc.

2. Six Miscellaneous Interconnection Agreement Amendments (Gary)

D2001.9.125 - Qwest/Contact Communications; D2006.3.30 - Qwest/Covad; D2004.3.42 - Qwest/BridgeBand; D2004.1.2 - Qwest/XO Communications; D2004.10.167 - Qwest/InTTec, Inc.; and D2000.11.200 - Qwest/OneEighty Communications

D2000.11.200 Qwest/OneEighty and D2004.10.167 Qwest/InTTEC are both digital subscriber line (DSL) amendments. The FCC, on November 16, 2005, issued FCC Order 05-150 in the FCC's Docket No. 02-33 "Appropriate Framework for Broadband Access to the Internet over Wireline Facilities Proceeding." Because of that FCC order, these DSL amendments remove DSL as a service that can be ordered and purchased from Qwest out of the existing interconnection agreements. Instead, Qwest offers DSL through

Commercial Agreements which are not currently subject to Commission approval.

D2004.1.2 - Qwest/XO Communications is an amendment to their existing interconnection agreement for "Out of Hours Projected Coordinated Installations." This amendment adds terms conditions and rates for Out of Hours Installations for certain wholesale services. Out of Hours installations are installations which take place outside of Qwest's standard installation hours which are 8:00 AM - 5:00 PM Monday through Friday.

D2004.3.42 - Qwest/BridgeBand is a collocation amendment which replaces, entirely, all terms, conditions and rates for collocation in Section 8 of their existing interconnection agreement.

D2006.3.30 Qwest/Covad is an "Agreement for Survival of Certain Agreements" amendment. Qwest and Covad had an original interconnection agreement which was approved on June 14, 1999. The parties executed a new interconnection agreement which was approved by this Commission on June 8, 2006. In this amendment to the new interconnection agreement the parties agree that six (6) agreements and amendments entered into when the original 1999 interconnection agreement was in effect will survive the termination of the original agreement and will remain operative for the life of the new June 8, 2006 interconnection Agreement.

D2001.9.125 - Qwest/Contact Communications is an amendment which adds to the existing interconnection agreement the terms, conditions, and rates for Expedite Requests for LIS trunks and designed Unbundled Network Elements.

All six of these amendments were voluntarily negotiated between the parties.

Probable Motion: Move to approve the following six miscellaneous interconnection agreement amendments: D2000.11.200 - Qwest Corporation/OneEighty Communications Inc. "DSL" amendment; D2004.10.167 - Qwest Corporation/InTTec, Inc. "DSL" amendment; D2004.1.2 - Qwest Corporation/XO Communications Services Inc. "Out of Hours Projected Coordinated Installations" amendment; D2004.3.42 - Qwest Corporation/BridgeBand Communications, Inc. "Collocation" amendment; D2006.3.30 Qwest Corporation/DIECA Communications Inc. dba Covad Communications Company "Agreement for Survival of Certain Agreements" amendment; and D2001.9.125 - Qwest Corporation/Contact Communications, Inc. "Expedited Requests" amendment.

Work Sessions All items identified below are for Commission discussion or action on the day designated.

1. Comma-Q Architecture – Complaint against Qwest Communications – Discuss and seek Commission direction on acceptance of a formal complaint filing against Qwest Communications. (7/18/06)
2. D2006.6.82 – NorthWestern Corporation and Babcock & Brown Infrastructure Limited, BBI US Holdings Pty. Ltd., BBI US Holdings II Corp., and BBI Glacier Corp. – Joint Application for Approval of the Sale and Transfer of NorthWestern Corporation Pursuant to a Merger Agreement – General discussion of docket, including procedural plan, intervenors, staffing, need for outside legal and technical support, discovery, etc. (7/18/06)
3. D2006.6.82 – NorthWestern Corporation and Babcock & Brown Infrastructure Limited (BBI), BBI US Holding Pty. Ltd., BBI US Holdings II Corp., and BBI Glacier Corp. – Joint Application for Approval of the Sale and Transfer of NorthWestern Corporation Pursuant to a Merger Agreement – Discuss, consider and act on Joint Petition to Intervene of Heartland Consumers Power District and South Dakota Public Power Incorporated. (7/18/06)
4. N2005.12.172 – NorthWestern Energy - 2005 default supply resource procurement plan – Discuss plan and possible Commission comments on the plan. (7/18/06)

Other Meetings

Weekly Scheduling – Will be held at 9:00 a.m. on the day of the Commission Meeting

Notice Items All items identified below are noticed for public participation purposes. Unless otherwise stated in the text of the notice, the items will be action items on the next following agenda or a subsequent agenda and participation may be had by submitting written comments to the Public Service Commission, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana, 59620-2601, within 5 calendar days following publication of this agenda. Public comments on a noticed matter may also be submitted within the required time through the PSC's web-based comment form at <http://psc.mt.gov/Consumers/comments>. Comments should reference the docket number of the matter.

1. Qwest N2006.7.100 (Scott)

On July 7, 2006, Qwest filed Tariff Transmittal 06-11, Primary Rate ISDN ICB Language Update. Qwest is proposing to update current language concerning Individual Case Basis arrangement for customers purchasing Primary Rate ISDN (PRS).

2. NorthWestern Corporation (NOR) D2006.7.101 (Eric)

On July 12, 2006, NOR filed an application seeking authority to refinance \$150,000,000 of Montana First Mortgage Bonds which mature on December 1, 2006. These bonds have a current effective annual coupon rate of 7.3 percent. The proceeds from this transaction will be used solely to refinance this maturing debt.

Protective Orders – Notice Items The Commission has received the following requests for protective order pursuant to ARM 38.2.5007. The Commission will rule on the requests no earlier than 10 days after the publication date of this agenda. Comments on the requests may be submitted at any time prior to ruling. Any person wanting a copy of a protective order request should contact the Commission at (406) 444-6199.

Protective Orders – Information Items The Commission has issued the following protective orders. These orders may be challenged pursuant to ARM 38.2.5008. Copies of these orders may be obtained by calling the Commission at (406) 444-6199

Information Items All items identified below are for information only.

New Filings Received in Past Week

D2006.7.99 – Montana-Dakota Utilities, Co. – Petition for a Declaratory Ruling and Certification of an Eligible Renewable Resource
N2006.7.100 – Qwest Corporation – Tariff Transmittal 06-11, Primary Rate ISDN ICB Language Update

D2006.7.101 – NorthWestern Corporation – Application for Authority to
Refinance \$150 Million of First Mortgage Bonds Maturing on December 1, 2006